

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**NATALIE R. SHEPHERD**

**PETITIONER**

**VERSUS**

**CIVIL ACTION NO. 1:12cv110HSO-RHW**

**MICHAEL LEONHART**

**RESPONDENT**

**ORDER ADOPTING REPORT AND RECOMMENDATION,  
GRANTING RESPONDENT'S MOTION TO DISMISS, AND  
DISMISSING § 2241 PETITION FOR WRIT OF HABEAS CORPUS**

This matter is before the Court on the Report and Recommendation of United States Magistrate Judge Robert H. Walker [13] entered in this cause on July 24, 2012. Also before the Court is the Respondent's Motion to Dismiss for Lack of Subject Matter Jurisdiction [11] filed June 11, 2012, pursuant to FED. R. CIV. P. 12(b)(1). Respondent contends that because Petitioner Natalie Shepherd failed to exhaust her administrative remedies, this Court lacks subject matter jurisdiction, such that Shepherd's *habeas* Petition should be dismissed. Mem. in Supp. of Mot. to Dismiss [12] at p. 5.

A copy of the Report and Recommendation was mailed to Petitioner at her last known address by certified mail, return receipt requested, on July 24, 2012. See July 26, 2012, Docket Entry; Acknowledgment of Receipt [14]. To date, no objection to the Report and Recommendation has been filed by Petitioner.

Where no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a *de novo* review of it. 28 U.S.C. § 636(b)(1) ("a judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings and recommendations to which objection

is made.”). In such cases, the Court need only review the Report and Recommendation and determine whether it is either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having conducted the required review, the Court finds that the Magistrate Judge’s Report and Recommendation thoroughly considered all issues, and is neither clearly erroneous, nor contrary to law. Because Shepherd has failed to exhaust her state administrative remedies, Respondent’s Motion should be granted and Shepherd’s § 2241 Petitioner should be dismissed. The Court, being fully advised in the premises, finds that the Magistrate Judge properly recommended that Shepherd’s Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2241 be dismissed. Said Report and Recommendation should be adopted as the opinion of this Court.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that, the Report and Recommendation [13] of Magistrate Judge Robert H. Walker entered on July 24, 2012, is adopted as the finding of this Court.

**IT IS, FURTHER, ORDERED AND ADJUDGED** that, Respondent’s Motion to Dismiss for Lack of Subject Matter Jurisdiction [11] filed June 11, 2012, is **GRANTED**, and Shepherd’s Petition for Writ of Habeas Corpus [1] pursuant to 28 U.S.C. § 2241, filed April 11, 2012, is **DISMISSED**. A separate judgment, in accordance with this Order, will be entered as required by Federal Rule of Civil Procedure 58.

**SO ORDERED AND ADJUDGED**, this the 14<sup>th</sup> day of August, 2012.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN  
UNITED STATES DISTRICT JUDGE